

REMARKS

Drawings

The drawings have been objected to by the Examiner under 37 C.F.R. 1.83(a) because they fail to show the proper cross-section symbolic of foam, elastomeric or plastic, and also fail to show the barrier means as claimed. The new drawings submitted herewith correct these informalities and thus should not be objectionable.

The drawings are further objected to as failing to comply with 37 C.F.R. 1.84(p)(4) for the reason that the same reference characters are used to designate different embodiments. This informality is corrected in the new drawings submitted herewith and also in the amendments to the specification herein.

Specification

In accordance with the Examiner's requirement, an Abstract on a separate sheet is submitted herewith.

Claims

Claims 5-12 and 19-46 have been objected to under 37 C.F.R. 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only and/or cannot depend from any other multiple dependent claim.

Accordingly, the Examiner has not examined these claims on the merits.

Claims 5-12 and 19-46 have been amended to remove the objectionable multiple dependencies therein and thus should now be in condition for examination on the merits.

Claims 1-4 and 13-18 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In claim 1, as amended, it is stated that the supporting and sealing means are for insertion in a container opening, and also the subsequent amended recitations should serve to make function of the supporting and sealing means apparent to one skilled in the art.

The language "under optimum conditions" has been removed from claim 13, as amended.

In claim 14, as amended, the function of the barrier means has been stated.

The objectionable language "for example" has been omitted from claims 16-18, as amended.

Accordingly, the rejection of claims 1-4 and 13-18 under 35 U.S.C. 112, second paragraph, should now be obviated.

Claims 1-4 and 13 stand rejected under 35 U.S.C. 102(b) as being anticipated by Noel et al. For the reasons set forth hereinafter, it is requested that the Examiner reconsider and withdraw this rejection.

Noel et al. disclose a synthetic closure for a container or the like which comprises an extruded, foamed core formed from plastic material and peripherally surrounded and integrally bonded with a cooperating synthetic, plastic, extruded outer layer. The outer

layer may comprise a thermoplastic elastomeric composition which is different from that of the core.

Claim 1, as amended, and dependent claims 2-46 all recite a new and improved closure for containers having an opening, comprising the following elements:

1. Substantially rigid supporting and sealing means for insertion in a container opening;
2. A covering body made of flexible and resilient plastic material, the covering body covering at least a portion of and being connected to the supporting and sealing means and being adapted to close the container opening; and
3. Wherein the supporting and sealing means comprise an upper and lower support and sealing element operatively joined together in order to support the covering body in a longitudinal direction for preventing elongation of the plastic material of the covering body.

The above-identified novel recitations in claims 1-46, as amended, clearly are not anticipated or even rendered obvious by the teachings of Noel et al. First, the core 22 of Noel et al. is formed of a foamed plastic material and thus is not substantially rigid. Second, Noel et al. fail to disclose the supporting and sealing means as comprising an upper and a lower support and sealing element operatively joined together for supporting the covering body and preventing its elongation, as specifically recited in the amended claims herein. Accordingly, claims 1-46, as amended, should be allowable over the teachings of Noel et al.

Claims 1-4, 13-15, 17 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lauer et al. The disclosure of the Lauer et al. reference is substantially the same as that of the Noel et al. reference in that it discloses a synthetic closure for containers having an extruded, foamed core formed of plastic material peripherally surrounded and integrally bonded with a cooperating synthetic, plastic, extruded outer layer.

Accordingly, it is submitted that claims 1-46, as amended, are clearly allowable over the teachings of Lauer et al. in view of the arguments set forth herein with respect to the rejection of claims 1-4 and 13 as being anticipated by Noel et al. It is clear that the core of Lauer et al. is not substantially rigid and also there is no disclosure in Lauer et al. of the specific construction and function of the supporting and sealing means set forth in claim 1, as amended, and all of the dependent claims 2-46.

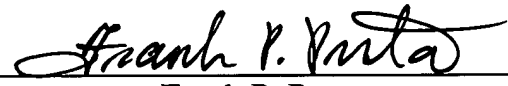
Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lauer et al. in view of McTeer et al. The McTeer et al. reference was cited for its disclosure of a plug comprising barrier means with gold. Other than this limited disclosure, the teachings of McTeer et al. fail to supply the deficiencies of Lauer et al. with respect to the novel recitations in claims 1-46, as amended herein.

In view of the above amendments and remarks, it is submitted that claims 1-46, as amended, are clearly allowable over the teachings of the cited references, taken individually or in combination. Prompt and formal allowance of these claims, therefore, is earnestly solicited.

• **Felice FRAGOLA**
Serial No. **09/937,709**

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Frank P. Presta
Reg. No. 19,828

FPP:cr
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100